

## General Data Protection Regulation.

### PRACTICE FAIR PROCESSING & PRIVACY NOTICE

#### Your Information, Your Rights

**This practice keeps medical records confidential and complies with the General Data Protection Regulation. All data is processed lawfully, fairly and transparently. It's only collected for specific, explicit and legitimate purposes and it's limited to what is necessary for the purpose.**

We hold your medical record so that we can provide you with safe care & treatment. We will also use your information so that this practice can check and review the quality of care we provide. Being transparent and providing accessible information to patients about how we will use your personal information is a key element of the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR).

The document reminds you of your rights in respect of the above legislation and how your GP Practice will use your information for lawful purposes in order to deliver your care and the effective management of the local NHS system.

#### **This document reflects how we use information for:**

- Why, and how we collect your information;
- Who we share your information with;
- The management of patient records;
- Communication concerning your clinical, social and supported care;
- Ensuring the quality of your care and the best clinical outcomes are achieved through clinical audit and retrospective review;
- Participation in health and social care research; and
- The management and clinical planning of services to ensure that appropriate care is in place for our patients today and in the future.

#### **Data Controller**

As your registered GP practice, we are the data controller for any personal data that we hold about you.

#### **What information do we collect and use?**

All personal data must be processed fairly and lawfully, whether is it received directly from you or from a third party in relation to the your care.

We will collect the following types of information from you or about you from a third party (provider organisation) engaged in the delivery of your care:

- 'Personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified from the data. This includes, but is not limited to name, date of birth, full postcode, address, and next of kin and your NHS number / HCN number / CHI number as applicable / card payment details if paying for private appointments via your bank (Chip and Pin, etc.).

**And**

- 'Special category / sensitive data' such as medical history including details of appointments and contact with you, medication, emergency appointments and admissions, clinical notes, treatments, results of investigations, supportive care arrangements, social care status, race, ethnic origin, genetics and sexual orientation.

Your healthcare records contain information about your health and any treatment or care you have received previously (e.g. from an acute hospital, GP surgery, community care provider, mental health care provider, walk-in centre, social services). These records may be electronic, a paper record or a mixture of both. We use a combination of technologies and working practices to ensure that we keep your information secure and confidential.

**Why do we collect this information?**

The NHS Act 2006 and the Health and Social Care Act 2012 invests statutory functions on GP Practices to promote and provide the health service in England, improve quality of services, reduce inequalities, conduct research, review performance of services and deliver education and training. To do this we will need to process your information in accordance with current data protection legislation to:

- Protect your vital interests;
- Pursue our legitimate interests as a provider of medical care, particularly where the individual is a child or a vulnerable adult;
- Perform tasks in the public's interest;
- Deliver preventative medicine, medical diagnosis, medical research; and
- Manage the health and social care system and services;
- Educational purposes.

**How is the information collected?**

Your information will be collected either electronically using secure NHS Mail or a secure electronic transferred over an NHS encrypted network connection. In addition physical information will be sent to your practice. This information will be retained within your GP's electronic patient record or within your physical medical records.

## **Who will we share your information with?**

We will share relevant information from your medical record with other health or social care staff or organisations when they provide you with care. For example, we will share information when we refer you to a specialist in a hospital. Or send details of your prescription to the local pharmacy.

- Local GP Practices in order to deliver extended primary care services, these are known as Primary Care Clusters. Benefits of this information sharing mean quicker access to healthcare, and a wider range of services.
- NHS, local trusts, hospitals;
- 111 and Out of Hours Service;
- Local Social Services and Community Care services;
- Voluntary Support Organisations commissioned to provide services by the Health Board.

Your information will only be shared if it is appropriate for the provision of your care or required to satisfy our statutory function and legal obligations.

Whilst we might share your information with the above organisations, we may also receive information from them to ensure that your medical records are kept up to date and so that your GP can provide the appropriate care.

In addition we received data from NHS Digital (as directed by the Department of Health) such as the uptake of flu vaccinations and disease prevalence in order to assist us to improve “out of hospital care”.

Healthcare staff working in A&E and out of hours will also have access to your information. For example, it is important that staff who are treating you in these settings, in an emergency, know if you have any allergic reactions.

### **NHS Care.**

All patients who receive NHS care are registered on a national database. The database holds your name, address, date of birth, and NHS number but it does not hold information about the care you receive. For more information contact NHS Digital, 0300 303 5678.

### **Safeguarding**

Sometimes we need to share information so that other people, including healthcare staff, children or others with safeguarding needs, are protected from risk or harm. These circumstances are rare, and we do not need your consent or agreement to do this.

## **Lawful basis for processing**

These purposes are supported under the following sections of GDPR.

*Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’; and*

*Article 9(2)(h) ‘necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...’*

Healthcare staff will also respect and comply with their obligations under the common law duty of confidence.

## **How do we maintain the confidentiality of your records?**

We are committed to protecting your privacy and will only use information that has been collected lawfully. Privacy is managed at the Practice by Joanne Collings-Jones, (Information Governance Lead), Dr Emma Poyner (Caldicott Guardian) whom are assisted by our Data Protection Officer, an external provider, Digital Health and Care Wales (DHCW).

Every member of staff who works for an NHS organisation has a legal obligation to keep information about you confidential. We maintain our duty of confidentiality by conducting annual training and awareness, ensuring access to personal data is limited to the appropriate staff and information is only shared with organisations and individuals that have a legitimate and legal basis for access.

Information is not held for longer than is necessary. We will hold your information in accordance with the Records Management Code of Practice for Health and Social Care 2016.

## **Consent and Objections - Do I need to give my consent?**

The GDPR sets a high standard for consent. Consent means offering people genuine choice and control over how their data is used.

When consent is used properly, it helps you build trust and enhance your reputation. However consent is only one potential lawful basis for processing information. Therefore your GP practice may not need to seek your explicit consent for every instance of processing and sharing your information, on the condition that the processing is carried out in accordance with this notice.

Your GP Practice will contact you if they are required to share your information for any other purpose which is not mentioned within this notice. Your consent will be documented within your electronic patient record.

**What will happen if I withhold my consent or raise an objection?**

You have the right to write to withdraw your consent at any time for any particular instance of processing, provided consent is the legal basis for the processing.

- You have the right to object to information being shared between those who are providing you with direct care. This may affect the care you receive, please speak with us for more information on why.
- You are not able to object to your name, address, and other demographic information being sent to NHS Digital. This is necessary if you wish to receive NHS care.
- You are not able to object when information is legitimately shared for safeguarding reasons.
- In appropriate circumstances it is a legal and professional requirement to share information for safeguarding reasons. This is to protect people from harm.

If you wish to raise a concern, or objection please refer to the last paragraph of this document.

**Health Risk Screening / Risk Stratification**

Health Risk Screening or Risk Stratification is a process that helps your GP to determine whether you are at risk of an unplanned admission or deterioration in health. By using selected information such as age, gender, [NHS number/HCN number/ CHI number], diagnosis, existing long term condition(s), medication history, patterns of hospital attendances, admissions and periods of access to community care your GP will be able to judge if you are likely to need more support and care from time to time, or if the right services are in place to support the local population's needs.

To summarise Risk Stratification is used in the NHS to:

- Help decide if a patient is at a greater risk of suffering from a particular condition;
- Prevent an emergency admission;
- Identify if a patient needs medical help to prevent a health condition from getting worse; and/or
- Review and amend provision of current health and social care services.

Your GP may use computer based algorithms or calculations to identify their registered patients who are at most risk, with support from the local Commissioning Support Unit and/or a third party accredited Risk Stratification provider. The risk stratification contracts are arranged by your Health Board in accordance with the current Section 251 Agreement. Neither the CSU nor your local CCG will at any time have access to your personal or confidential data. They will only act on behalf of your GP to organise the risk stratification service with appropriate contractual technical and security measures in place.

Your GP may routinely conduct the risk stratification process outside of your GP appointment. This process is conducted electronically and without human intervention. The resulting report is then reviewed by a multidisciplinary team of staff within the Practice. This may result in contact being made with you if alterations to the provision of your care are identified.

*[A Section 251 Agreement is where the Secretary of State for Health and Social Care has granted permission for personal data to be used for the purposes of risk stratification, in acknowledgement that it would overburden the NHS to conduct manual reviews of all patient registers held by individual providers.]*

As mentioned above, you have the right to object to your information being used in this way. However you should be aware that your objection may have a negative impact on the timely and proactive provision of your direct care. Please contact the Practice Manager to discuss how disclosure of your personal data can be limited.

### **National screening programmes**

The NHS provides national screening programmes so that certain diseases can be detected at any early stage. These screening programmes include bowel cancer, breast cancer, cervical cancer, aortic aneurysms and a diabetic eye screening service.

The law allows us to share your contact information with health boards / Public Health England where applicable so that you can be invited to the relevant screening programme. We post programmes which we are part of on the surgery website.

### **Medical research**

We share anonymised information from medical records to support medical research when the law allows us to do so. This allows us to learn more about why people get ill and what treatments might work best. We will also use your medical records to carry out audits within the practice.

### **Checking the quality of national care**

We contribute to national clinical audits so that healthcare can be checked and reviewed. The reports show areas where we are doing well, and what areas need improvement.

### **Sharing of Electronic Patient Records within the NHS**

Electronic patient records are kept in most places where you receive healthcare. Our local electronic systems (such as SystmOne, EMIS and Eclipse) enables your record to be shared with organisations involved in your direct care, such as:

- GP practices,
- Community services such as district nurses, rehabilitation services, telehealth and out of hospital services,
- Child health services that undertake routine treatment or health screening,
- Urgent care organisations, minor injury units or out of hours services,
- Community hospitals,
- Palliative care hospitals,
- Care Homes,

Version 1.4. Accurate on 18/06/2021. For our latest copy visit  
<https://www.pendresurgery.co.uk/pages/Privacy-Notice>

- Mental Health Trusts,
- Hospitals,
- Social Care organisations,
- Pharmacies, & pharmacist trainees,
- 3<sup>rd</sup> party support staff, i.e. audiology, physiotherapy,
- Coroners,
- And other organisations.

In addition, *Wales* have implemented the [*Summary Care Record/ Emergency Care Summary/ Individual Health Record*] which contains information including medication you are taking and any bad reactions to medication that you have had in the past.

In most cases, particularly for patients with complex conditions and care arrangements, the shared electronic health record plays a vital role in delivering the best care and a coordinated response, taking into account all aspects of a person's physical and mental health. Many patients are understandably not able to provide a full account of their care, or may not be in a position to do so. The shared record means patients do not have to repeat their medical history at every care setting.

Your record will be automatically setup to be shared with the organisations listed above, however you have the right to ask your GP to disable this function or restrict access to specific elements of your record. This will mean that the information recorded by your GP will not be visible at any other care setting.

Your information can also be shared for purposes of the below, with the Health Board and local health protection team when the law requires us to do so.

- Planning and managing services,
- Checking that care has been delivered safely,
- Preventing infectious diseases from spreading.
- If a court of law orders us to do so.

You can also reinstate your consent at any time by giving your permission to override your previous dissent.

### **Private Work**

If you receive private work from us, we may share your information with other bodies as stated in the section 'Sharing of Electronic Patient Records within the NHS' of this document.

### **Your Right of Access / change to Your Records**

The Data Protection Act and General Data Protection Regulations allows you to find out what information is held about you including information held within your medical records, either in electronic or physical format. This is known as the “right of subject access”.

If you would like to have access to all or part of your records, you can make a request in writing to the organisation that you believe holds your information. This can be your GP, or a provider that is or has delivered your treatment and care. You should however be aware that some details within your health records may be exempt from disclosure, however this will in the interests of your wellbeing or to protect the identity of a third party.

You have the right to access your medical record and have any errors / mistakes corrected. We are not aware of any circumstance in which you will have the right to delete correct information from your medical record; although you are free to obtain your own legal advice if you believe there is no lawful purpose for which we hold the information and contact us if you hold a different view.

We may need to seek further advice from the MDU as to whether entries can or cannot be changed. If we do not change or correct the data, they may advise we add an additional note in your records that you have disputed your medical record.

If you would like access to your GP record please submit your request in writing to: Pendre Surgery Clayton Road, Mold, Flintshire CH7 1SS.

### **Retention Period**

GPO medical records will be kept in line with the law and national guidance. Information on how long records are kept can be found at: <https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016>

### **Training Practice**

As well as our team of fully trained GPs and other healthcare professionals, nurses, etc., at this practice we train students & trainees. These may include trainee GP's, Paramedics, Nurses. At times, for training purposes we may ask you if we can record your consultation. Consent would be obtain prior to this. Recording are viewed by those concerned only, retained for the minimum time needed, and always deleted securely with reference to our document retention schedule. Your signed consent will be asked for in advance.

### **eConsult**

We use eConsult for our online consultations. It is text based clinical consultation service which guides patients through a consultation algorithm to assess their symptoms and recommend appropriate next steps.



These steps may include arranging a GP appointment, self-care advice or signposting to other services (e.g. NHS111, pharmacies, etc.) .It does not facilitate real-time consultations between patients and GPs, but does make GPs aware of all assessments undertaken on their patients.

For more information on Privacy Policy in relation to eConsult please visit <https://econsult.net/nhs-patients/privacy-policy>

### **Dictation**

Our healthcare professionals, GP's, nurses, pharmacist, etc. use dictation software to efficiently and securely pass consultation details to our non-clinical team for the purpose of documentation, referrals, etc. We use a system called Lexacom Echo, which is automatically converts voice to text. This is transferred via a Cloud based system prior to forming part of your medical record.

- Dictation is transferred with TLS 1.2 encryption.
- Binary data is not stored by Lexacom – it is queued and then returned to us.
- Dictation is transferred with TLS encryption.

### **Text messaging**

We use electronic messages as a low cost and efficient method to communicate with patients, remind them, and update them. Text messaging in this context refers to messaging over a variety of systems and apps, including SMS, WhatsApp, Facebook Messenger and related formats. All of these are covered by the GDPR. The only system we use at present is SMS. If you have any concern please let me know. It is your (the patient) responsibility to keep us up to date with your current mobile number. You can if you require 'opt out' of receiving text messages.

### **Email**

We use email as a non-urgent communication method to improve access methods for patients, particularly those with particular impairments and disabilities. We recommend that if you communicate with us by email that you use your own personal account, not a shared family account. Please check your email account to ensure messages from us are not sent to the spam or junk folder. We, and you, must consider the risk (however small) of the email being intercepted or 'hacked'. Our emails will be sent from a generic surgery account only. If you believe an email received to be a scam, please let us know asap by calling the Practice Manager on 01352 759163. Do not click on a link in the email, reply or forward it, and leave it unread if not opened already.

If you use a works email account, any auto forwards set-up when you are out of the office might compromise your confidentiality. Your work email is the property of your employer, therefore they can legally view content in it, which may compromise your confidentiality.

Emails will be sent / replied to initially by our receptionists / administrators. If necessary, the email may be read / escalated to other members of staff at the practice. We will limit two way dialogue via email, and at

Version 1.4. Accurate on 18/06/2021. For our latest copy visit <https://www.pendresurgery.co.uk/pages/Privacy-Notice>

no point should it turn into a virtual consultation. We ask you to take responsibility for this by not asking consultation questions via email. This is important also as emails may not be seen or read immediately. Where applicable / possible we will add email dialogue to your patient record, or make a note on your record referencing the email. These emails / notes will be retained for the appropriate period of time.

### **EU Treaty**

The Government has announced that the Treaty agreed with the EU will allow personal data to flow freely from the EU (and EEA) to the UK, until adequacy decisions have been adopted, for no more than six months. This will enable businesses and public bodies across all sectors to continue to freely receive data from the EU (and EEA), including law enforcement agencies.

### **Covid-19- Test, Track & Trace.**

Test, Trace and Protect Teams have contacted some practices to request patient contact information. When requesting information concerning patients, contact with the Patients GP is only used as a last resort when all other options including checking Hospital records have been exhausted by the team.

Information is often required to urgently contact patients following a positive Covid-19 test result and ensure appropriate isolation and tracing occurs. When applying for a Covid-19 test the Practice name and address is recorded as is the Patients contact details. If the patients contact details are incorrect or they cannot reach the Patient with the information provided, checks of available systems and information will be undertaken.

As a last resort the patients practice may be contacted and requested to provide any contact information available. It would be reasonable and in line with the General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA) for us to provide this information.

The health and social care system is taking action to manage and mitigate the spread and impact of the current outbreak of Covid-19. To support the response to of the Covid-19 outbreak the processing and sharing of confidential patient information amongst health organisations and other bodies engaged in disease surveillance may be necessary for the purposes of protecting public health, providing healthcare services to the public, research and monitoring and managing the Covid-19 outbreak and incidents of exposure.

As a Practice, we will ensure all necessary checks to verify the identity of any individual requesting patient information is conducted.

### **Phone calls**

Please be aware that our phone calls are recorded. The content is kept for 3 months.

Version 1.4. Accurate on 18/06/2021. For our latest copy visit

<https://www.pendresurgery.co.uk/pages/Privacy-Notice>

## **Complaints**

In the event that you feel your GP Practice has not complied with the current GDPR / data protection legislation, either in responding to your request or in our general processing of your personal information, you should raise your concerns in the first instance in writing to the Practice Manager, Pendre Surgery, Clayton Road, Mold, Flintshire CH7 1SS.

If you remain dissatisfied with our response you can contact the Information Commissioner's Office at Wycliffe House, Water Lane, Wimslow, Cheshire SK9 5AF – Enquiry Line: 01625 545700 or online at [www.ico.gov.uk](http://www.ico.gov.uk)